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**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE, and
JEFFREY G. MCGONEGAL,

Defendants.

) C.A. No. 3:18-cv-2293

)

) **THE KLAPPER, RANA AND**
) **ESTOESTA GROUP'S MOTION FOR**
) **LEAVE TO FILE A REPLY IN**
) **SUPPORT OF ITS MOTION FOR**
) **PARTIAL RECONSIDERATION AND**
) **AMENDMENT TO THE ORDER**
) **APPOINTING LEAD PLAINTIFF**
) **(DKT. NO. 40)**

)

) **MOTION DATE: February 4, 2018**

)

JOSEPH J. KLAPPER, JR., individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE, and
JEFFREY G. MCGONEGAL,

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) C.A. No. 3:18-cv-8031

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Defendants.)

PLEASE TAKE NOTICE that, on February 4, 2019, or as soon thereafter as the matter may be heard in the courtroom of the Honorable Freda L. Wolfson, situated at 402 East State Street, Trenton, New Jersey, 08608, proposed lead plaintiff movants Joseph J. Klapper, Jr., Ashish Rana, and Sonia Estoesta (the “Klapper, Rana and Estoesta Group” or “Group”), by their counsel, will hereby move this Court pursuant to Local Rule 7.1(d)(3) for an order permitting the Group to file a reply brief in further support of its Motion for Partial Reconsideration and Amendment to the Order Appointing Lead Plaintiff (Dkt. No. 40)¹ (Dkt. No. 42) (the “Motion”). The Group specifically asks that the Court enter the [Proposed] Order filed herewith, so that the Group may respond to the entirely new legal questions and arguments set forth in Golovac’s opposition to the Motion (ECF No. 48) (the “Opposition” or “Opp.”). Specifically, the Group believes that the proper administration of justice calls for additional briefing to remedy significant inaccurate statements of fact and law in the Opposition which are likely to impede this Court’s administration of justice.

¹ The Klapper, Rana and Estoesta Group’s proposed reply brief is attached to this motion as **Exhibit A**.

This Motion is made on the grounds that “[r]eply briefs may be permitted where, as here, the movant seeks leave to respond ‘to arguments raised in the opposition brief, or explain a position in the initial brief’” *Donovan v Dragados*, S.A., No. 09-409, 2013 U.S. Dist. LEXIS 128710, at *10 (D.N.J. Sep. 10, 2013) (quoting *Smithkline Beecham PLC v. Teva Pharm. USA, Inc.*, No. 04-0215, 2007 U.S. Dist. LEXIS 45703, 2007 WL 1827208, at *1 (D.N.J. June 22, 2007) and collecting cases).

LOCAL RULE 7.1(D)(4):

STATEMENT THAT NO BRIEF IS NECESSARY

Pursuant to Local Civil Rule 7.1(d)(4), the Klapper, Rana and Estoesta Group states that no brief is necessary as the basis for relief is contained in the motion.

Dated: January 3, 2019

LEVI & KORSINSKY, LLP

/s/ Donald J. Enright

Donald J. Enright

Elizabeth K. Tripodi (*pro hac vice to be submitted*)

John A. Carriel (*pro hac vice to be submitted*)

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CERTIFICATE OF SERVICE

I, Donald J. Enright, hereby certify that on January 3, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

/s/ Donald J. Enright
Donald J. Enright